IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 2016-M of 2007

DATE OF DECISION : 05.03.2007

Manjit Singh

.... PETITIONER

Versus

State of Punjab and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.S. Narula, Advocate,
for the petitioner.

Petitioner Manjit Singh, who is also one of the accused and is facing trial in case FIR No. 97 dated 8.12.1997 under Sections 406, 409, 419, 420, 379, 465, 468, 471, 477, 109, 120-B IPC, registered at Police Station City Faridkot, has filed this petition under Section 482 of the Code of Criminal Procedure for setting aside the order dated 29.11.2006, passed by Additional Sessions Judge, Faridkot, whereby the revision filed by the petitioner against the order dated 1.2.2006, passed by Additional Chief Judicial Magistrate, Faridkot, dismissing the application of the petitioner filed under Section 319 Cr.P.C. for summoning additional accused, has been dismissed.

2. The said application under Section 319 Cr.P.C. was filed by the petitioner at the fag end of the trial and the same was dismissed by the trial court. The revision petition filed against the same has also been dismissed by the revisional court, while observing as under :-

> "After considering the arguments raised by the counsel for the accused-petitioner and the Addl. PP for the State and after going through the record of the case, the report under Section 173 Cr.P.C. and the statements of PW20 Bharpur Singh

and PW21 Charan Dass I find that no prima facie case is made out against any of the said four persons who are employees of the Bank though they seem to be negligent in discharge of their duties. Some finding has been given by the Investigating Officer while investigating the said case and rightly they were not challaned as they were found to be innocent. Moreover, petitioner Manjit Singh has moved this application now when already 25 prosecution witnesses have been examined by the prosecution. All these facts show that the present application has been moved just to delay the proceedings of the case.

As no prima facie case is made out against any of the said four persons so the application under Section 319 Cr.P.C. has rightly been dismissed by the trial Court. Consequently, I do not find any reason to interfere in the order passed by the trial court and thus the present revision-petition is dismissed. The parties through their counsel are directed to appear before the trial Court on 6.12.2006."

3. After hearing counsel for the petitioner and going through the orders, passed by the courts below, I do not find any ground to interfere in the impugned order.

4. Dismissed.

March 05, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**